

Message Text

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PAGE 01 STATE 125498
ORIGIN EA-09

INFO OCT-01 ISO-00 H-01 DHA-02 CIAE-00 DODE-00 INR-07
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DRAFTED BY EA/ROC:DGBROWN:EDD
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-----010430Z 013925 /21
R 312337Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY TAIPEI

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E.O. 11652: N/A

TAGS: PFOR, SHUM, TW

SUBJECT: QUESTIONS FOR JUNE 14 HUMAN RIGHTS HEARING.

REF: STATE 122950

1. HIRC STAFF INFORMS US THAT IN PREPARATION FOR JUNE 14
TAIWAN HUMAN RIGHTS HEARING CONGRESSMAN FRASER WILL ASK THE
DEPARTMENT TO PROVIDE WRITTEN ANSWERS TO A NUMBER OF SPE-
CIFIC QUESTIONS WHICH HE WILL BE TRANSMITTING TO THE DEPT
LATER THIS WEEK. DEPT HAS GOTTEN AN INFORMAL INDICATION OF
THE GENERAL NATURE OF THE QUESTIONS AND WILL PREPARE ANS-
WERS. HOWEVER, WE WILL NEED EMBASSY'S ASSISTANCE ON THE
QUESTIONS LISTED BELOW (AND POSSIBLY ON OTHERS AFTER WE
RECEIVE FRASER'S LETTER).

2. A) IS THERE ANY MORE AUTHORITATIVE GOVERNMENT STATEMENT
ON TORTURE THAN FRED CHIEN'S WRITTEN COMMENTS ON OUR HUMAN
RIGHTS REPORT THAT TORTURE AND CRUEL TREATMENT ARE STRICTLY
PROHIBITED? TO WHAT EXTENT DOES TORTURE AND CRUEL TREAT-
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PAGE 02 STATE 125498

MENT OCCUR? WHAT STEPS HAS THE GRC TAKEN TO PREVENT SUCH
ABUSES?

B) WHAT ARE THE NAMES AND PRINCIPAL PROVISIONS OF THE
DECREES AND LAWS THAT RELATE TO MARTIAL LAW AND POLITICAL
PRISONERS (1948 MARTIAL LAW DECREE, STATUTE FOR THE PUNISH-
MENT OF REBELLION, MILITARY TRIAL PROCEDURE LAW, ETC.)?

WHAT AMENDMENTS HAVE BEEN MADE IN THESE LAWS SINCE THE 1950'S? HAVE THE AMENDMENTS TENDED IN PRACTICE TO EXPAND OR REDUCE THE RESTRICTIONS ON POLITICAL ACTIVITY AND HUMAN RIGHTS?

C) WHAT ARE THE HABEAS CORPUS PROVISIONS APPLICABLE IN CIVIL/CRIMINAL CASES AND HOW CAREFULLY ARE THEY ADHERED TO? ARE THERE HABEAS CORPUS PROVISIONS APPLICABLE IN CASES TO BE TRIED IN MILITARY COURTS AND HOW DO THEY DIFFER FROM THOSE IN CIVIL/CRIMINAL CASES? HOW LONG ARE POLITICAL PRISONERS DETAINED WITHOUT BEING CHARGED OR TRIED?

D) WHAT ARE THE PRINCIPAL DIFFERENCES BETWEEN THE DUE PROCESS PROCEDURES APPLICABLE IN CIVIL/CRIMINAL TRIALS AND THOSE IN MILITARY TRIALS?

E) WHAT IS THE LEGAL BASIS FOR THE ROC'S POST-PUBLICATION CENSORSHIP? WHAT LAWS DOES THE ROC CITE IN LIMITING OR WITHDRAWING THE CIRCULATION OF PUBLICATIONS AND IN SUSPENDING OR BANNING MAGAZINES SUCH AS WEN HSING AND THE TAIWAN POLITICAL REVIEW?

3. WE WOULD APPRECIATE RECEIVING YOUR RESPONSES BY JUNE 6.
CHRISTOPHER

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Message Attributes

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Sent Date: 31-May-1977 12:00:00 am
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Disposition Approved on Date:
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